

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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AARON MOULTRIE,

Plaintiff,

v.

WALMART, *et al.*,

Defendants.

Case No. 3:21-cv-00379-MMD-CSD

ORDER

*Pro se* Plaintiff Aaron Moultrie filed a civil rights complaint under 42 U.S.C. § 1983. (ECF No. 1-1.) Before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Judge William G. Cobb (ECF No. 4), recommending that Moultrie’s application to proceed *in forma pauperis* (ECF No. 1) be granted, and that his complaint be dismissed with prejudice. Moultrie had until January 18, 2022, to file an objection. To date, no objection to the R&R has been filed. For this reason, and as explained below, the Court adopts Judge Cobb’s R&R and will dismiss this action.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that the Court “need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”).

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1 Because there is no objection, the Court need not conduct *de novo* review, and is  
2 satisfied Judge Cobb did not clearly err. Here, Judge Cobb recommends Moultrie's  
3 application to proceed *in forma pauperis* be granted as Moultrie cannot pay the filing fee,  
4 and that his complaint be dismissed because his allegations are nonsensical, fantastical,  
5 and his complaint is filled with inconsistencies. (ECF No. 4 at 2, 4.) The Court agrees with  
6 Judge Cobb. Having reviewed the R&R and the record in this case, the Court will adopt  
7 the R&R in full.

8 It is therefore ordered that Judge Cobb's Report and Recommendation (ECF No.  
9 4) is accepted and adopted in full.

10 It is further ordered that Plaintiff Aaron Moultrie's application to proceed *in forma*  
11 *pauperis* (ECF No. 1) is granted.

12 The Clerk of Court is directed to file Moultrie's complaint (ECF No. 1-1).

13 It is further ordered that Moultrie's complaint (ECF No. 1-1) is dismissed with  
14 prejudice.

15 DATED THIS 26<sup>th</sup> Day of January 2022.

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MIRANDA M. DU  
CHIEF UNITED STATES DISTRICT JUDGE